

A G E N U I N E

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# A C C O U N T OF THE

LIVES, BEHAVIOUR, CONFESSION,  
*and* DYING WORDS

O F T H E

## Five R E B E L S,

*Widdowson* K (V I Z.)

Sir JOHN WEDDERBURN, Bart. Life-Guardian.

JOHN HAMILTON, pretended Governor of *Carlisle*.

JAMES BRADSHAW, of *Manchester*, Warehouseman.

ANDREW WOOD, Capt. in *Roy-Stuart's* Regiment: And

ALEXANDER LIETH, Capt. in *Glenbucket's* Regiment.

Who were Executed at KENNINGTON-COMMON in the County of  
*Surry*, on *Friday* the 28th Day of *November*, 1746, for HIGH-  
TREASON.

To which is added a NARRATIVE of their

## T R I A L S.

And to the WHOLE is annex'd,

A brief ACCOUNT of the T R I A L S, &c. of the other  
Seventeen Rebel Officers, who are by his Majesty's  
Clemency respited from Execution for Six Weeks  
longer.

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L O N D O N:

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# The TRIALS and DYING WORDS, &c. of the REBELS.



ON Monday the 13th of October, 1746, the Hon. Sir *Martin Wright*, Knt. Sir *James Reynolds*, Knt. and *Edward Clive*, Esq; met at the Court-House on *St. Margaret's Hill, Southwark*, for the Trial of the Rebel Prisoners, when Sir *James Kinloch*, Bart. was set to the Bar, and pleaded guilty to the Indictment of High Treason that had been preferred and found against him. The Treason was laid in the Indictment to be committed on the 16th of *April* last, in the 20th Year of his present Majesty's Reign.

When he had pleaded, Mr. Justice *Wright* asked him, if he knew the Consequence of pleading Guilty; and his Reply was, *I know the Consequence but too well.*—And then he was taken from the Bar.

Sir *James*, whilst under his Misfortunes, bore them with great Calmness, and was seldom heard to utter a Word unbecoming a Gentleman; he seldom kept much Company, even when he was first brought to Prison; but after he was convicted, he was more retir'd, and employ'd himself in making Preparation for a future State.

He did not suffer, but is, by his Majesty's Favour respited for six Weeks.

*Roderick Mac Culloch*, otherwise *Rory Mac Culloch*, was then arraign'd, and withdrew his former Plea, and pleaded guilty to the Indictment of High Treason. The Treason was laid to be committed on the 16th of *April*, being the Day the Rebel Forces were defeated at the Battle of *Culloden*.

His Execution is respited for six Weeks.

The Dying Speech, &c. of John Hamilton, made by the Pretender Governor of the Castle of *Carlisle*.

ON Wednesday the 22d of October, the Court met, pursuant to Adjournment, present Lord Chief Justice *Zee*, Sir *Martin*

*Wright*, Sir *James Reynolds*, Sir *Michael Foster*, and Mr. Baron *Clive*.

*JOHN HAMILTON*, the Pretender's Governor of the Castle of *Carlisle*, being set to the Bar, he withdrew two former Pleas, and pleaded Guilty.

*JOHN HAMILTON*, about 61 Years of Age, of an ancient and honourable Family in *Aberdeenshire* in *North Britain*. He entered into the Pretender's Service soon after he landed, and was a very great Favourite of Lord *Lewis Gordon* and Lord *Ogilvie*, who recommended him to the young-Pretender; and he approving of his Conduct and Advice in his Councils, as well as in the Field, made him Governor of *Carlisle* Castle after the Surrender thereof to the Rebels, and he was there taken Prisoner by the Duke. He signed the Capitulation of *Carlisle*, but as that has been so often printed in the publick Papers, we think it unnecessary to transcribe it. The Conditions in general were, That if they surrender'd, they should not be put to the Sword, but reserved for the King's Pleasure.

Notwithstanding it was confidently reported, immediately after Mr. Hamilton had pleaded Guilty, that he would receive Mercy, on account of his readiness to deliver up the Castle to the Duke; yet that Report appears groundless; for, on the contrary, it has been made appear by other Officers, that when there was a Consultation amongst the Rebel Officers in that Garrison, to hang out the White Flag, he opposed it vehemently, and insisted to hold out the Siege to the last Extremity, but being over-ruled by the most Part of them, particularly by *George Abernethy*, he was obliged to submit, and with the rest of the Rebel Officers retired unarmed into the Great Church of *Carlisle* until such time as Capt. *Neveit*, an Officer in the Foot Guards, came by Order of his Royal Highness the Duke, to take them under his Care.

Mr. Hamilton was brought to *Newgate* with the rest of the *Manchester* Rebels, and confined in the Press-Yard till he was removed into *Southwark*. He always behaved



like a Gentleman, but went meanly dress'd, and kept retired in his Chamber. In the New Gaol he went on the Master's Side, and was quiet, inoffensive, and sparing of Speech. He was very proud and lofty, which, together with his being attached to the Pretender and his Party, were his two greatest Crimes.

The long Confinement in Newgate and the New Gaol of the two Governors, could never reconcile one to the other; for the deceas'd Mr. Townley, frequently used to say, that Mr. Hamilton was a Traitor on both Sides, and as such he ought to be despise'd by both Parties; and indeed none, or at least very few of the Rebel Officers in the Press-Yard conversed with him. — This added to his natural melancholy Temper, made his Life a great Burthen to him in Newgate; but when he went over to the New Goal in Southwark, some of his Countrymen would vouchsafe to play a Game at Draughts with him.

It has been observed, that his readiness to defend the Castle of Carlisle was only a Feint of his, for that he wanted to make Terms for himself; but being narrowly watched by the Officers of the Garrison, he was obliged (much against his Inclination, to submit to the Terms they all did.

He was not shock'd, when he was informed the Afternoon before his Execution, that he was included in the Dead Warrant, and only said, He could not help it, for he did not expect to live but a little longer.

He was executed on Kennington Common on Friday the 28th of November, 1746, as a Traitor to his King and Country.

ALEXANDER LIETH, was indicted for High Treason, and found guilty. It appeared by the Witnesses for the Crown, that he was a Captain in the Duke of Perth's Regiment, and a cruel Enemy to his Majesty's Subjects, and oppress'd every one when he had it in his Power. He could not make any Defence.

He was born of honest Parents in the North, and well educated, and had always a great Inclination to be a Military Gentleman; so that when the Duke of Perth came into *Aberdeenshire*, he found he had an Opportunity of raising himself, and so

a Captain, because it's certain he was no Way qualify'd for such an Office.

When he found himself made Prisoner, and in Irons in the New Gaol, he appeared very pensive, but more particularly so, when the Dead Warrant was sign'd for the Execution of his three Countrymen, who suffer'd at Kennington-Common in August last: As will appear from what follows: After Walter Ogilvie, a Youth of 19, and one of the Rebels who was executed on the 22d of August last) received Sentence of Death, he appeared sorrowful, and was one Day desiring an Acquaintance of his to do him some kind Office, in regard to saving his Life. The Gentleman told him, he could not be his Friend, for it was not in his Power; and Mr. *Lieth* interposing, said, 'Warty, I know a very good Friend, and if you apply to him sincerely he will not be deaf to you.' *Ogilvie* was very desirous to know who this Friend was. On which the other told him, 'That it was JESUS CHRIST; for (said he) neither you or I have any other Friend to assist or help us.'

*Lieth* was old, sick and infirm, some time before he suffered, and seldom spoke, being indifferent what became of him. He was a bigotted Jacobite, and said, he freely laid down his Life for the Cause he dy'd in.

### *The Trial, Life, &c. of Sir JOHN WEDDERBURN, Bart.*

Sir JOHN WEDDERBURN, Bart. was indicted for High Treason, which Treason was laid to be committed on the 16th of April in the 20th Year of his present Majesty's Reign.

Andrew Johnson said he saw Sir John with the Officers of Lord Strathallan's Horse, in plain Cloaths and a Sword by his Side, after the Battle of Preston Pans, free and not forced.

John Falkener said he saw the Prisoner at Holy-Rood House, amongst the Officers in the Rebel Army, in plain Cloaths, with a small Sword by his Side.

Roger Mac Donald said he saw the Prisoner at Aberdeen, in a plain Dress and small Sword (but no Cockade) with the Officers of Lord Strathallan's Horse, and that he lodged with Mr. Johnson at Aberdeen, without a Billet.

James Mortimore saw him at Aberdeen, with the Officers of Lord Ogilvie's Regiment,

Shillings for Ale Excise, and twelve Shillings for Malt Excise, and unless he had paid it to him, the Rebels threatned to seize his Copper; for which Excise he took Receipts, but did not produce them, because he left them at Home.

Henry Edwards depos'd, That he saw the Prisoner the latter End of October, at Old Gordon of Glenbucket's House at Perth; that Sir John declared, he was not concerned in the Rebellion, that he had a Commission sent to him to collect the Excise; but it was in his Father's Name, and that he would go to Edinburgh to get it rectified, and he accordingly did go to Edinburgh, and about the Middle of November returned to Perth, where a Drum went about the Town. proclaiming, that all Brewers, and Dealers in Leather, Candles, and other Exciseable Goods, should go to Sir John and pay the Excise, on pain of military Execution.

Then several Receipts for Money paid to him for Excise were produced and proved to be Sir John Wedderburn's handwriting for Excise, dated progressively from the 25th of Nov. to the 8th of January following.

Alexander Ruffel depos'd, That he saw the Prisoner, Sir John, at Holy-Rood House, after the Battle of Preston-Pans, in a plain Dress and a Small Sword by his Side, and that the young Pretender issued an Order forbidding any Body from carrying Arms, but those who belonged to his Army, and that if Sir John had not belonged to the Rebels, he dared not wear a Sword.

Capt. Eyre said, The Prisoner acknowledg'd himself a private Man in the Pretender's Life Guards.

Andrew Robinton said, He was Servant to Major Glasgoe, and saw the Prisoner at Dundee with the Rebels, and at Burroughburgh, going to the young Pretender's Quarters; that the Prisoner collected the Excise from Six Persons, in this Witness's Presence.

John Adamson said, He paid Excise to the Prisoner twice, and that the Prisoner had a Guard with him at his Quarters, where he received the Excise Duty.

#### The Prisoner's Defence.

The Council for the Prisoner alledged by the 7th of William the 3d, No Overt Acts of High Treason shall be proved, unless the same is laid in the Indictment, and the bare Collecting the Excise was no Overt Act, without they could prove him armed in the Rebellion; that the Prisoner's Father did collect the Excise for his present Majesty King GEORGE, the Second; that the Rebels came and took

after them to get them back again, where they seized him, and detained him a Prisoner, and forced him to continue with them to collect the Excise.

George Waters, working Mason, was the first Witness examined for the Prisoner, and he depos'd, that the Rebels came to Sir John's House in Sept. 1745, and took away three of his Horses, for the Pretender's Service; when Sir John said, That he would not let his Horses go for such a Use; and went to get them back again, and that some of the Rebels told him, if he would not give them freely, he himself should go with them, and so forced him with them; that this Evidence went to see him, when he found him guarded by the Rebels, so close that he could not go out of the Room, without Liberty from Lord Strathallan; that some time after, he came to his House, and staid four Days at Home; that afterwards 100 Men came armed, who guarded his House and carried him away; that the Witness said, he saw him at the Dee, carried away by the Mac Intoshes, that afterwards he came from the Dee to his House, and staid at his House till the 5th of February, when 40 or 50 Men came and pressed him, and carried him to Elgin-Moore, in the Middle of March. The Witness further said, that his Brother was Collector of the Excise at Inverness, for King GEORGE, that he had known the Prisoner two Years, that he always wore a Small Sword, and that he was a Prisoner at his own House every Day, from November to the beginning of February.

N. B. How doth this agree with his Receipts (ut ante) for Excise, from Nov. 26. to January the 8th.

David Hutchenson depos'd, That he was a Servant to the Prisoner Sir John Wedderburn; that five armed Men came and seized several of his Horses in his Park, and that his Lady went to them, and prevailed on them to release a Mare; that they abused her, and called her Rebel B——ch; that they seized the Prisoner when he went after his Horses, to get them back, and carried him to Lord Oglevie's; that the Prisoners returned, and a 100 armed Men came and retook him a Prisoner, and threatned to stab him with their Bayonets.

Then the Attorney General replied, and made some shrewd Observations on the Evidence.

The Jury, without going out, brought him in Guilty. *Death.*

Sir JOHN WEDDERBURN, Bart. was the Son of Sir Alexander Wedderburn, of Aber-



resident in that Part of Scotland, several of whose Ancestors are honourably mentioned in the Scottish Histories, especially Sir David Wedderburn, who was killed at the Battle of Muffelburgh. The late Sir Alexander, Father to this unfortunate Gentleman, was greatly esteemed for his known Attachment to the Revolution Principles, and the Hanover Succession, inasmuch that the Government thought proper to make him a Receiver of the Excise, and other Duties, which, with a small Estate he had near Dundee, enabled him to bring up a numerous Family; but being of a liberal and generous Spirit, he left the Estate incumber'd, so that when Sir John arrived to his Honour of a Bart. he had nothing to support it, though on the expectation of having an Estate to descend to him Free, he married a young Lady of a reputable Family in his Neighbourhood; for on his Father's Death the Estate was destined to be sold, in order to satisfy the Father's Debts, (a Calamity that too often happens to many good-natur'd Gentlemen in this Island) that when Sir John found nothing coming in order to support his Family, he retired to a small Farm with a Thatched House and Clay Floor, which he occupied with great Industry, and thereby made a laborious but starving Shift, to support a Wife and Nine Children, who used to run about in the Fields barefoot.

The extreme Poverty of Sir John, and his numerous Dependants, overcame Sir John's Duty to all Kind of Society, and the present happy Establishment, and being tempted with a Commission from the Pretender to collect the Excise, yet in some Measure forced to do it, as appears on his Tryal, Sir John's Loyalty at last gave way to his Poverty, tho' it is admitted, that he never did any Acts of Violence to his Majesty's Subjects, any other than receiving the Duties arising by the Excise, having never bore Arms or caus'd any one to enlist into the Rebel Service.

After Sir John was made a Prisoner he was delivered to the Care of Capt. Eyre an Officer appointed by the Duke of Cumberland, to take Charge of the Rebel Officers, who treated him with great Humanity, according to his Birth and Dignity, and conveyed him on board of one of his Majesty's Ships of War to the River Thames, from whence he was carried with the

he was lodged in the Master-Side of the Gaol, with Sir James Kinlock, Mr. Hamilton, and others, during which Time he behaved like a Gentleman, being plentifully supplied, and indeed flattered himself with being acquitted, as he thought he had not armed himself in the Rebellion, but was very much shock'd when the Jury found him Guilty; and after Sentence of Death his Behaviour was consistent with the Character of a Gentleman, being sensible of his Error, and the Calamity he had brought on himself, his inoffensive Lady, and innocent Posterity.

He was executed at Kennington-Common as a Traitor, Nov. 28, 1746.

### *The Trial, Life, &c. of Andrew Wood.*

ANDREW WOOD was indicted for High-Treason, which he committed on the 16th Day of April last,

John Falkener being produced and sworn, depos'd, that he saw the Prisoner receive a Commission from the Colonel in *James Roy Stuart's* Regiment, soon after the Pretender landed; and that he was Servant to the Colonel, and that the Prisoner beat up for Volunteers with a Cockade; that he was armed, and marched with them to St. Ninians.

Francis Chambers depos'd that he saw him at Glasgow, and that he marched in a Highland Dress as a Captain in *Roy Stuart's* Regiment, and in the Shire of *Murray* armed; he likewise proved the Prisoner was drawn up in the Field of Battle at *Culloden*.

Several other Witnesses confirmed what Falkener and Chambers said, and that he was 29 Years of Age. The Jury (notwithstanding he pleaded that his Grandfather was very active to assist in bringing about the Revolution, and that his Father headed a Party against the Rebels in the Year 1715, to prove which he produced Affidavits under the Seal of Glasgow) found him Guilty.

Andrew Wood, 22 Years of Age, the 17th of last January, was born of reputable Parents, who gave him a good Education. Nothing particular can be said of him before he entered into the Rebellion, but being of a bold and resolute Spirit, and an enterprising young Fellow, when the Rebels came to *Scrathogin*, *Roy Stuart's*

of him, and gave him a Commission, and delivered it to *Wood* with his own Hand, saying, *My Lad, I conceive great Hopes from your Valour and Abilities.* As soon as he had received the said Commission, he immediately put his Authority in Force, and beat up for Volunteers and Recruits, wherein he had great Success, and accompanied the said Regiment at the Head of his Company to the last; until he was with many other of the Rebels taken by the King's Forces at the Battle of *Culloden Moor*, and then he was put under the Care of the Captains *Moore* and *Eyre*, by his Royal Highness's Orders, after being some Time detained a Prisoner at *Inverness*, he was sent on board one of his Majesty's Ships, and brought to *London*, with other Rebel Officers, and confined in the New Gaol for the County of *Surry*, where he continued for his Tryal, not so plentifully supplied as many of the others were, but behaved in a decent Manner, but never lamented his Error in going headlong into those erroneous Practices that brought on him these Calamities. At his Tryal he made no Defence, but had great Hopes he should be one of those unfortunate Men that were to partake of the Clemency and Mercy of his Majesty; but when he found himself deceived, he was not at all shock'd, but contentedly submitted himself to that Sentence which the Law had pronounced upon him.

He was executed with the others.

### *The Trial, Life, &c. of JAMES BRADSHAW, of Manchester.*

JAMES BRADSHAW, was indicted for High Treason, &c. The Council for the King opened the Indictment, that the Prisoner at the Bar stood indicted by the Name of *James Bradshaw*, for High Treason, in compassing and imagining the King's Death, adhering to his Majesty's Enemies, and levying (with other false Traitors) a cruel and destructive War in these Kingdoms, &c. And the Treason was laid to be committed on the 10th of November, at *Carlisle* in the County of *Cumberland*, in the Nineteenth Year of his Majesty's Reign, against the Duty of his Allegiance, against the King's Peace, and the Forms of the Statute, &c.

Prisoner, contrary to his Allegiance to our Sovereign Lord King *George the Second*, met at *Manchester* to raise a Regiment, which the Pretender intended to distinguish by the Name of the *Manchester Regiment*, of which *Townly*, who was lately executed, was made Colonel, and that the Prisoner *Bradshaw* accepted of a Captain's Commission in the said Regiment, and acted as such; that afterwards he marched with the said Regiment to *Derby* in a hostile Manner, and in a Highland Dress, arm'd with Pistols and a Sword, a white Cockade on his Bonnet: That he paid his Company and exercised them: That afterwards he retreated with the Rebel Army from *Derby* to *Manchester*, and from thence to *Clifton-Moor*, where he in a Skirmish headed his Men against the Duke's Troops: That when he came to *Carlisle* he often waited on the young Pretender's Levee: That when the Rebels found themselves closely pursued by his Royal Highness the Duke of *Cumberland*, there was a Council of War directly held amongst them, which part of their Army should march for *Scotland*, and what Number should stay in the Garrison at *Carlisle*, to secure a Retreat for the rest of the Rebels.

The Prisoner, to pursue his avowed Disloyalty to the present happy Establishment, desired he might go on with the Rebels to *Scotland*, and accordingly did go with them in their Rout to *Glasgow*, was at the Battle of *Falkirk*, where was such a Storm of Hail and Rain, that his Majesty's Men could not prime or discharge their Pieces: From thence he marched with the Rebel Army to *Sterling*, thence to *Perth* and *Strathbogie*, and finally was at *Culloden Moor*, in the Lord Elcho's Troop of Horse, commonly called the Pretender's Life-Guards, where he was taken a Prisoner by his Majesty's Troops. ——— To prove which he called the following Witnesses.

Samuel Maddox being sworn, said, that Mr. Bradshaw, the Prisoner was at the Bell in *Manchester* (the young Pretender being present) where was a Consultation to raise a Regiment of Foot, for which Mr. Murray, the Pretender's Secretary, delivered a Commission for that End; and that Francis Townly, a Roman Catholick Gentleman, was appointed Colonel of the said Regiment, which was to be called the *Manchester Regiment*, and that Mr. Bradshaw



nated Captain, and himself (Mr. Maddox) was also appointed an Officer ; that afterwards he enlisted several private Men and Voluntiers into the said Corps ; that he saw the Prisoner march with the Rebel Army to *Derby*, and from thence back again to *Manchester* (when they found his Royal Highness the Duke of Cumberland's Army was near them) and from thence to *Carlisle*, in a Highland Dress, with Pistols and a Sword by his Side, and a White Cockade in his Bonnet : That at *Carlisle*, when the young Pretender had sent for the Officers of the Manchester Regiment, to take his Leave of them, and to direct them how to act if attacked by his Majesty's Forces. The Prisoner was there in the Chamber, but on Account of some Misunderstanding between him and Townly, the Prisoner refused to stay behind with the Rebel Army at *Carlisle*, and desired the young Pretender would permit him to go on with them to Scotland ; and that accordingly the Prisoner did march out of the Gates of *Carlisle* to go with the young Pretender to Scotland.

*James Patterson* being produced and sworn, said that Mr. *Bradshaw*, the Prisoner at the Bar, marched with the Rebel Army from *Manchester* to *Derby*, arm'd with Pistols and Broad Sword, Drums beating, Pipes playing, Colours flying, and retreated with them from *Derby* to *Manchester*, and from thence to *Carlisle*, which Place he left (upon some Discontent with Col. *Townly*, who commanded the *Manchester* Regiment under the young Pretender) to go in the Rebel Army, and then he engaged a Volunteer in Lord *Elcho's* Troop of Horse Guards, who were esteemed the Life Guards to the young Pretender.

*Henry Gibson* was also produced and sworn, who said, that he himself was unfortunately seduced into the Rebel Army, and entered into Lord *Elcho's* Troop of Horse Guards ; that the Prisoner, Mr. *Bradshaw*, marched with them as a private Man in the said Corps, that the Troop was drawn up at the Battle of *Culloden*, and that he there saw the Prisoner on Horse-back in the said Troop, with Pistols, and a broad Sword by his Side, and a white Cockade, and that he continued with the said Troop till he was taken Prisoner by his Royal Highness the Duke of *Cumberland's* Army.

Duke of *Cumberland's* Army, was examined on Oath, and gave the Court the following Account of the Prisoner, That he saw the Prisoner (whom he had been acquainted with at *Manchester*) beyond the Wood of *Culloden Moor*, and told him, that he was sorry to see him in such bad Company, having had Orders from his Royal Highness the Duke of *Cumberland* to take an Account of all the Officers and Soldiers that should be made Prisoners ; that Mr. *Bradshaw* said he was a Captain in the *Manchester* Regiment, but afterwards (on the Road to *Inverness*) he said that he belonged to Lord *Elcho's* Troop of Life Guards.

After they had gone through the Witnesses for the Crown, Mr. *Joddrell* and Mr. *Ford*, who were Council for the Prisoner stood up, and pleaded on his Behalf, admitting that what the Evidence for the King had said was true, that the Prisoner did unfortunately engage himself in the Rebel Army, and did march with them from *Manchester* to *Derby*, and from thence retreated with them to *Manchester*, and so on to *Carlisle*, and then accompanied them to Scotland, until they came to *Culloden Moor*, where he was taken Prisoner ; but that the unfortunate Gentleman at the Bar, had been troubled with an Insanity of Mind, from his Youth, so that he was *Non Compos Mentis*, and consequently, if they should prove it, he could not be deemed guilty of the High Treason laid in the Indictment : For said they, he hath been melancholy from his Childhood, and in his Apprenticeship, endeavour'd to destroy himself by flinging himself out of the Window, and we shall be able to prove that once he did fling himself out of the Window, that he attempted to kill the worthy Gentleman his Master, that he hath been confined in a Madhouse for these Lunatick Pranks, that after the Expiration of his Apprenticeship he married a fine Lady, whom he dearly loved, and on whose Death his Insanity of Mind increased ; that the Rebels esteemed him no other than a Lunatick, first giving him the titular Name of a Captain in their *Manchester* Regiment, where he sometimes marched in the Columns, and sometimes rambled from them, and at other Times a private Man in Lord *Elcho's* Troop of Horse, and sometimes he was left behind, We shall likewise, says he, be able to prove

Court, that this unfortunate Gentleman, after the Death of his only Son, was in such a mad Condition, that he was strapp'd down to his Bed, and a Watch set over him, to prevent him from injuring himself, and those about him, and quoted a Case from Lord Chief Justice Hales, wherein it is mentioned that a Person insane in Mind, cannot be deemed Guilty of Treason or Felony.

Then *Thomas Buerdseil* was called and sworn, who said, that he served his Apprenticeship with the Prisoner, to Mr. *Worral*, a Manchester Factor in *Lawrence-Lane*, in London; that when he came out of his Time he went down to Manchester to set up for himself with a handsome Fortune; in that Part of this Apprenticeship he laid in the same Bed with the Prisoner, who used often to jump out of the Bed, and skip about the Room, like a Madman, and several times attempted to jump out of the Window; that he (the Evidence) was in Danger of his Life, and particularly, one time he caught him by the Throat, in such a Manner, as had like to have destroyed him, whereupon he complained to his Master, who ordered them separate Beds: that at another Time, his Master called him to an Account, to settle the Books, and make up his Cash, when the Prisoner attempted to stab his Master with a Penknife, and that he was discharged from his Master before the Time of his Apprenticeship was out.

[ *Cross Examined.* ]

The Witness admitted that he did Business sometimes very regular for his Master; and that he was deficient in his Cash; but that he (the Witness) was obliged to put the Poker, Tongues, Fire-shovel, and Chairs out of the Room, to prevent him from doing any Mischief, and that he used to walk in his Sleep.

Then the Judge ask'd this Witness if the Prisoner used to get drunk, which he could not deny.

*John Davis* was examined, and said, he had known the Prisoner sixteen Years; that he used to be out of his Mind in the Night, and heard him make a Noise inwardly; and that he was often strapp'd down; but being cross-examined by the Attorney General, he admitted that his being strapp'd down was to prevent him from walking in his Sleep; and that the Prisoner used to help to fix the

*Charles Jernagan* said, that there were Iron Bars put in the Window to prevent the Prisoner from jumping into the Streets, and that he was often strapp'd down for the like Consequences. He often appear'd in the Day-time melancholy, and had on him the Symptoms of a Man out of his Mind. (*Being cross examined*) The Witness admitted, that he kept his Books regular, that he drew Bills of Exchange, that were always honoured by his Correspondence, who made no Hesitation on Account of his Infirmary, but at other times he was attended by the Doctors for his Disorder of Mind.

A Clergyman, Brother-in-law to the Prisoner's deceased Wife, said the Prisoner was disorder'd in his Mind, that he often laid with him, that he was strapp'd down in the Night, to prevent him from doing Mischief, That once he seiz'd him by the Throat, and if he had not been a strong Man, he would have killed him; and that he once jump'd out of the Window and bruised himself.

Being cross examined by the Attorney-General, if his being strapp'd down was not to prevent his hurting himself in his Sleep, and if he did not use to walk in his Sleep, the Witness appeared puzzled to answer the Question, till the Lord Chief Justice demanded a categorical Answer, Whether his Illness or Insanity of Mind, was any other wise, than from Fits, or walking in his Sleep. The Witness after being ask'd the Question six or seven Times, with some Hesitation answered in the Affirmative.

Then *Mt. Roile*, a Country Farmer was produced and sworn, and said the Prisoner came to his House, seven Miles from Manchester, six Months before the Rebels came there, to be retired, and take Physick for his Illness; that he did several frantick Tricks that appeared to him to be the Acts of a Lunatick; but being examined by the Solicitor-General. What particular Instances he could give, he said, one Day he advised him to plow the Field the wrong Way, but could not remember any other Acts of Frenzy; but insisted, that he used to walk up and down in the Day-time melancholy, and sometimes walk'd in his Sleep.

*Jane Richardson* was produced and sworn, who deposed, that she lived a Servant-Maid with the Prisoner several Years, that he was very fond of his Wife, and that in his Frenzy



Provocation tear off her Cap, and pull her by the Hair of her Head; that he used to be distracted a Week together, sometimes would go into his Wife's Chamber, when she was in Bed, and pull off all the Cloaths, and fling them about the Room; and that at Manchester, he had jumped out of the Window; so that they contrived Straps to tie him down in his Bed.

*[Here she opened a Handkerchief with two Sets of Straps, and shew'd them to the Court.]*

These Straps, says she, I made myself; one Set we kept at Home to tie him down in his Bed at Nights, to prevent him from hurting himself, or any Body else; and the other Set he carried with him when he intended to lay Abroad; that when the Rebels came to Manchester, and some of them in his Parlour, she went into the Room to ask him how he did; upon which he got up, and pulled the Cap off of her Head, and that she thought him a Lunatick. She farther added, that his Wife, on her Death-bed, desired, that she (the Witness) would live with her Husband, on account of his Weakness of Mind, to take Care of him; but on account of his rough Usage to her, she had some Thoughts of leaving him just before the Rebels came to Manchester: She likewise added, that the Prisoner's Illness had increased since the Death of his Child.

The Council for the Crown not being apprized that the Prisoner would make such a Defence, occasioned some Debate, whether they should examine more Witnesses, and then agreed they had a Right to examine Witnesses so far as to prove the Prisoner *Compos Mentis*, from the Time of entering into the Rebellion, to the Time of his being taken Prisoner at Culloden.

Sir John Strange then called Samuel Maddox, but first observed to the Court and Jury, that to him the Prisoner appeared to be the wisest Man in the Manchester Regiment, for nothing but Madmen would enter into such a Rebellion against so good and merciful a Prince, who had violated no Man's Property, and who, during a long Reign, had never invaded the Rights and Liberties of the Subject; but if an Instance could be given of the Wisdom of any of those People, who had madly engaged in the Rebellion, it was the Prisoner, who refused to stay with the others at Carlisle, where there was all the

Probability that could be of their being taken by the Duke of Cumberland, to be delivered up to the Justice of their Country, some of whom had already been executed, and more like to undergo the same Fate, which the Prisoner hoped to avoid by the Retreat he made with the Rebels into Scotland.

Samuel Maddox being re-examined, said, that the Prisoner was his Captain, and inveigled him into the Rebel Army; that being short of Money, and discontented, the Prisoner gave him a Guinea; that he never knew the Prisoner out of his Mind; that often he used to send to Maddox's Master, who was an Apothecary, for Medicines that were cooling, which he apprehended to be for no other Use, than after hard drinking; that the Prisoner had sometimes been afflicted with Fits, but never to continue so as to deprive him of his Senses, so as not to know whether he was, or was not, engaging in a rebellious Act.

My Lord Chief Justice then summed up the Evidence in a very learned Manner, and translated and explained the Quotations out of Hales's Pleas of the Crown; and without going out, the Jury brought the Prisoner in Guilty.

JAMES BRADSHAW, aged 29 Years, was descended from very substantial and reputable Parents, his Father being a large Dealer at Manchester in Lancashire, who having but an only Child, (this unfortunate Person) he gave him a liberal Education, by putting him to the Free School, where he learnt Writing and Arithmetick, and made a considerable Progress in the Classics. His Father then sent him up to London, James chusing to be a Tradesman rather than go to the University, of which he had his Choice, and accordingly was bound Apprentice to Mr. Charles Worrall, an eminent Manchester Factor at the Golden Ball in Lawrence-Lane near Cheapside, where he continued six Years, well respected by his Master, and the Customers, being very diligent and obliging in the Business; and by the young Gentlemen in the Neighbourhood, and thro' the whole Circle of his Acquaintance, was very well belov'd, being a very facetious good-natur'd young Fellow. In the sixth Year of his Time, a young Lady, Daughter of Mr. Waggstaff, a wealthy Gentleman of Manchester, coming to London to see some of her Acquaintance as well as the Fashions and Curiosities of this Place, Mr. Bradshaw had frequent Opportunities of visiting her, and waiting upon her to all the gay and polite Places of Diversion which

this Place afforded, he at length informed her of his Affection for her, and that his Intentions were honourable, if she could like him for a Husband, he should think himself the most happy Man in the World: After several Overtures and Addresses of this Sort, the young Lady kindly answer'd, That if both their Parents approved of it, she would consider on't, and Mr. Bradshaw growing very much in her Favour, she desired him to write to Manchester about it, which he did accordingly; but before he received an Answer to his Letter, he had Advice that his Father, who had been some time in a bad State of Health, was so very ill, that his Life was despair'd of. On this he determined to go down to Manchester, and acquainting his Master with his Intention, and of his Father's Illness, Mr. Worrall generously consented thereto, and moreover told him, that if his Father did not get over his Illness, or continued so long ill, that his Absence might be prejudicial to the Business, he should be at his Liberty with respect to serving out the Remainder of his Time, and, that he should be glad to see him well settled where there was a good established Trade. Soon after his Arrival at Manchester his Father expired, and left him in Possession of a considerable Fortune, to carry it on, and after he had made a decent Burial for his Father, he then renewed his Addresses to Miss Wagstaffe, and in a little time was married to her, with whom he had a handsome Fortune, and an accomplished Lady she was, sufficient to make any reasonable or prudent Man happy, in the State of Matrimony.

Not long after he entered into Partnership with Mr. James Dawson, a Manchester Warehouseman near the Axe Inn in Aldermanbury, In about two Years time he was so unfortunate as to lose his Wife, which it was believed affected him so as sometimes to cause an Insanity of Mind, and at other Times in his lucid Intervals he appeared a bright Wit; but he gave himself up to the Keeping of Company, whereby he contracted an Acquaintance with Jesuits and Popish Priests (for in those Principles he had been always educated) from whom he imbibed the Principles of Jacobitism more strongly, and from Time to Time contracted such an Affection to the Cause of the Pretender and his Adherents, as to declare publicly (soon after the Pretender landed) amongst his Associates, that he would embrace the first Opportunity to serve that Cause. When the Pretender came to Manchester, he, with several others of the same Principles, waited on that mock Prince, and tendered his Service to him; who finding Mr. Bradshaw to be a young Gentleman of a good Family and Fortune, and of some Interest, conferr'd on him the Trust of a Captain in a Regiment to be raised in Manchester, under the Command of Col. Townley, and who

was since executed on Kennington-Common, for High Treason, and Mr. Bradshaw had no sooner got his Commission, than he went about Manchester and the neighbouring Villages, to recruit for the same Regiment, in which he had such Success, that he raised a Number of Men for the Service of the said Pretender, by whom he was greatly carress'd, and at whose Levy he often attended, and was consulted with in several of their Councils of War. He afterwards marched in a gallant Manner at the Head of his Company with the Rebels to Derby, and accompanied them in their Flight back to Manchester, when they heard the Duke was at their Heels, and from thence to Carlisle, where he waited (with the rest of the Officers) on the young Pretender to take his Leave of him, it being agreed that some Part of their Army should stay at Carlisle to secure a Retreat for the Rebels; and then he insisted that he would not stay behind under the Command of Col. Townley; with whom there was no good Harmony; for some Misunderstanding happened between them, on Account of a young Lady, which they had severally addressed at a Ball, which was kept at the Bull-Head Inn in Manchester, for the neighbouring Gentry, and indeed this Animosity was increased by the haughty Behaviour of Col. Townley, who now imagined the other to be under his Dominion; and used often to put Mr. Bradshaw upon Duty that was disagreeable to him.

What gave Mr. Bradshaw the greatest Disquiet was, that when the Pretender proposed to raise a Regiment of Horse, of which Townley was to be Colonel, Townley was labouring for Thomas Deacon (executed with Townley, &c. at Kennington) to succeed him in the Command; and soon after the Rebel Army had left Carlisle, Bradshaw went away incognito, and joined them again in Scotland, where he listed himself a Volunteer in Lord Elcho's Horse, commonly called amongst the Rebels the First Troop of Guards; and he continued with the Rebels in that Rank, until he was taken prisoner at the Battle of Culoden.

As to Mr Bradshaw's Conduct in general, even from the Time of his engaging in the Rebellion, and till within a short Time of his Death, it must be confess'd, that his Behaviour has been all of a-piece. Nothing but Insatiation could determine a Man to shut up his Shop, leave his Business and Effects, and ruin (with all honest Men) his Character, to follow a wicked and rebellious Multitude: And truly for what? — To be made a Captain! — Nay, it is



Matter of Fact, that he was worth several thousand pounds, his Trade flourishing, and his Credit well established in the World; yet was he so hearty in the good Old Cause (as he call'd it) that he advanced Cash out of his own Pocket to support his ragged Company.

Soon after the Battle of Culloden Moor, which put a happy End to this wicked and unnatural Rebellion, an Order was sent from the Secretary of State's Office for bringing to London such of the Rebels as had been most active in the young Pretender's Service, and amongst those that were put on Ship-board was Mr. Bradshaw. There he behaved with the greatest Insolence imaginable, and did not scruple voluntarily to tell those Officers belonging to his Majesty who had the Care of him, that they could not hurt him, for he was above their Cut, or Words which carried the same Meaning.

When the Vessel on board of which they embark'd arrived in the River, they were (viz. 43) committed to the New Gaol in Southwark, by his Grace the Duke of Newcastle's Warant, and continued Prisoners there till the necessary Proceffes were prepared for their Prosecution.

About the Time the Manchester Rebels were ordered for Execution (Bradshaw being at that Time a Prisoner in the New Gaol, Southwark); the Night before they suffered, he spoke to Mr. Townly and Mr. Barwick in a disrespectful Manner, saying, I find you must shortly march into other Quarters. Mr. Townly made no Answer; but Mr. Barwick, always remarkable for his Jocularity, said, "Jemmy, you need not triumph at our Misfortunes, for, take my Word on't, you'll find Mocking is Catching."

Bradshaw, the Night preceding the Execution of the Manchester Rebel Officers, drank very freely, and seemed quite unconcerned at the melancholy Fate which was inevitably next Day to be the Consequence of their wicked Undertaking. Mr. Barwick told Mr. Chadwick, that Bradshaw seem'd to reflect on them rather than pity or condole with them. Mr. Chadwick reply'd, "What can you expect from him, I am only sorry that it reflects so much Dishonour on us all as to admit such a Fellow as an Officer in the Regiment."

In the Morning of the Execution of the Manchester Rebels, about Seven o'Clock,

when the Sledges came in to draw the Prisoners to Execution, Bradshaw was walking about the Gaol-Yard in his Morning Gown, with some Gentlemen, who came thither either out of Curiosity, or to take Leave of their dying Friends, and with a sneering and ungentleman-like Air, said, (pointing to the Sledges) "Don't you think these Things are very well contriv'd; upon my Word, they'll do exceeding well for the Purpose;—and then rak'd amongst the Straw in the Sledges, telling the Drivers, that if they did not get more Straw the Lads (meaning the Prisoners) would be wet; and many other silly Expressions, which, if inserted in this Paper, the Reader would hardly Credit.

When he was called upon his Trial, he appeared very gay, in a new Suit of Green Cloth Cloaths, and stood very unconcern'd at the Bar, minding very little what was sworn against him: But when the Evidence was clos'd, and summ'd up to the Jury, and they brought him in Guilty, he was quite Thunder-struck, and chang'd Colour very much, and was so feeble that he could scarcely walk from the Bar.

His Conviction and Condemnation made but little Alteration in him; for, though he was not so judicious as he had been all along, he supply'd that Part with an undaunted Assurance, and ill-grounded Hopes of a Reprieve, till his Master informed him on Tuesday Night, that all Endeavours that had been us'd to save his Life were ineffectual; and persuaded him to make his Peace with God.

He was executed as a Traitor on Friday November 28, at Kennington-Common.

### *The Day of EXECUTION.*

**B**EFORE Nine o'Clock in the Morning, the Keeper's Servants unlock'd the Rooms where Sir John Wedderburn, Mr. Hamilton, and James Bradshaw were confin'd, which was in the Master-Side of the Prison, and inform'd that they were to Die, and desired they would prepare themselves, for that the Sheriff was expected very speedily to demand them. They said it was very well, and they should very soon obey the Sheriff's Order. Col. Farquharson was also confin'd on the Master's Side, and he having obtained a Respite, took his Leave of them.

In the Back Part of the Prison were Andrew

Wood, Alexander Leith, Thomas Watson, and James Lindsay. Watson was reprieved early in the Morning, and the other three were order'd for Execution. When they were told to get ready, Wood ask'd if old Governor Hamilton was to go with them? And being answer'd in the Affirmative, he said, I'm sorry for that poor old Gentleman.

They were then led into the Fore-part of the Gaol, where they took a little Refreshment. Mr. Bradshaw was very unconcern'd, and though he was so near his End, he buoy'd himself up with the Hopes of a Reprieve.

Wood call'd for some White Wine, and drank Prosperity and Health to the Pretender and his Sons; whom he called by the Titles that these insatuated unhappy People have all along done.

When the Executioner was haltering Mr. Bradshaw, and Lindsay preparing to have his Hands ty'd, a Reprieve came for him, which gave him so great a Shock as is hardly to be conceived. Bradshaw ask'd if there was News for him. It was answer'd, The Sheriff is come, and waits for you.

Then they were put into the Sledges in the following Order :

In the First Sledge,

James Bradshaw, Alexander Leith, and Andrew Wood.

In the Second Sledge,

John Hamilton, and Sir John Wedderburn, Bart. without Books; but the others had Books: And before Mr. Bradshaw went out of the Gaol, he read a considerable Time in the Sledge; and as he was drawn out of the Gaol Gate, he bow'd to all the Prisoners, and then the Tears seem'd to trickle from his Eyes.

They were drawn to the Place of Execution, guarded by a Party of Horse and Foot, amongst a numerous Croud of Spectators, and arrived at the fatal Tree at about 40 Minutes after Twelve at Noon. Sir John Wedderburn and Mr. Bradshaw look'd earnestly at the Gallows, and the latter was ty'd up first, and the others as they were taken out of the Sledges.

They pray'd for some Time, but neither of them seem'd shock'd; and all Five declar'd they did not fear Death.——Mr. Bradshaw deliver'd a Paper, full of treasonable Expressions; and in their last Moments they pray'd for the Pretender and his Cause, &c

Then the Executioner pulling the Caps over their Eyes, the Waggon was drawn away, as they were calling for the Almighty to receive their Souls.

N. B. Mr. Bradshaw went to Execution in a new Suit of Cloth, fac'd with Red, resembling a Military Dress.

He was first cut down, and embowelled, and his Heart and Entrails thrown into the Fire,

which was burning near the Gallows: And the others were served in the same Manner.

As soon as the Execution was ended, the Heads and Bodies were brought in Shells to the New Gaol, till his Majesty's Pleasure shall be known how they are to be dispos'd of.

No Clergyman attend'd them at the Gallows.

*The following are respited, or acquitted of their Indictments.*

**F**RANCIS FARQUHARSON, Col. of his own Regiment; JOHN FARQUHARSON, his Brother, a Captain in the same; JAMES STUART, a Major; with Sir JAMES KINLOCH and RHODERICK MAC CULLEH (before-mention'd) pleaded guilty to their several Indictments.

COLIN MAC KENZIE, RHODERICK MAC KENZIE, ALEXANDER BUCHANAN, ROBERT FORBES, JAMES RATTRAY, and NICHOLAS GLASGOE, were all acquitted of their Indictments.

ALEXANDER and CHARLES KINLOCH, on a Point of Law arising, arrested Judgment.

JAMES GORDON being brought to the Bar, was arraigned for High Treason, and pleaded Not Guilty; but the Evidence were positive that he had marched with the Rebels and the Jury found him Guilty. *Respited.*

GEORGE RAMSAY found Guilty, and *Respited.*

CHARLES GORDON was indicted in like Manner as the others, for High Treason, &c. Found Guilty, and *Respited.*

JOHN BURNETT, was indicted for High Treason, &c. It was proved that he was taken at *Carlisle*, and was a Captain of Artillery; and Mr. SAMUEL MADDIX, and others, depos'd, That he had been with the Pretender at several Places, and was always looked upon as an able Engineer, and much esteemed by all the Rebel Officers.——It also appeared on his Trial, that when the Duke besieged *Carlisle*, the Prisoner BURNETT appeared on the Walls of the Castle, and planted several Cohorns there, and that he fired them with his own Hand, and pointed them at the Duke's Troops. He was found Guilty, but *Respited.*

GEORGE ABERNETHY was indicted for High Treason, &c. in levying War against his Majesty. The Council for the Crown produced Witnesses to prove Abernethy's acting as a Captain in *Carlisle*. Mr. Maddox depos'd that he saw him sit as President of a Court-Martial held there, at which two Officers were broke for Neglect of Duty: He was also found Guilty, but *Respited.*

HENRY



HENRY KERR was indicted for High Treason, in levying War in this Kingdom; which Treason was laid to be committed on the 16th of *April*, in the 20th Year of his Majesty's Reign.

*James Paterson*, the first Witness, proved the Prisoner was a Colonel in the Rebel Service, and Aid de Camp to Lord *George Murray*, that he marched from *Dalkeith*, went to seize Horses, was at *Carlisle* at the Rear of the Rebel Army, dressed in a Highland Dress, armed with a Broad Sword and Pistols.

*Roger M Donald* depos'd, that he saw the Prisoner at *Edinburgh*, where he was received by the young Pretender, and ordered away with a Squadron of the *Perth* Shire Men, he acted as Colonel at *Derby*, where the Witness had his Horse stole, and the Prisoner gave him another; that he ordered the Lines at *Apsford*, and took Capt. *Vere* Prisoner.

*Allan Steward*, was examined, and swore he saw the Prisoner at *Edinburgh* before the Battle of *Preston Pans*, and was at the Battle, and pursued Sir *John Cope's* Troops; and also that he was at *Culloden* the 16th of *April*, where with a drawn Sword he rallied the Pretender's broken Forces.

The Prisoner did not examine Witnesses, but would have proved he was an Officer in the King of *Spain's* Service, which the Court would not go into. GUILTY, Death.

He is respited for Two Months.

JAMES LINDSAY was also indicted for High Treason, &c.

*Roger M Donald* was call'd, who said, he saw the Prisoner with the Rebels in a Highland Dress armed, with a Cockade in his Bonnet, march into *Carlisle*.

*Andrew Johnson* said, he saw the Prisoner in a Highland Dress armed, and a Cockade in his Bonnet, with this *Scotch* Motto (*Nemo me impune lateffit*) that he acted as a Serjeant, that he marched to *Derby*, was at *Perth*, *Inverness* and *Culloden*, and that he commanded a Party that went to seize Horses.

*Henry Johnson* said the Prisoner's Circumstances were bad, and that he was promised to be taken care of by the Lord *Strathallan*.

Capt. *Eyre* proved, that he acknow-

ledged to have served six Months and a half in the Rebel Army.

*His Defence.*

*Peter Crawford* depos'd, that the Prisoner was bred and born in *Perth*, and a Shoemaker by Trade; that the Rebels strip'd him of his Shoes and Leather, and being destitute, he went to *Edinburgh* after them, and some Customers who were indebted to him, to get his Money, to enable him to work for his Family; that he returned to *Perth*, and afterwards one Captain *Goolde* forced him from Mr. *Malcomb's* House, that he cried, and did not like them, that they put him upon a pressed Horse, and carried him away.

*John Malcomb*, a Brewer, said, he paid Excise to his present Majesty, and the Prisoner was forced away; that he cried, and sent Word he never should see his Wife any more; that he left them, and came Home, but did not exercise his Trade on his Return; he further said, the Rebels seized his Shoes, that he went to *Edinburgh* to get Satisfaction.

The Jury found him GUILTY, Death.

He was respited for six Weeks.

THOMAS WATSON, of *Perth*, Tobaccoist, was indicted for High Treason, &c.

*John Bruce* said, he saw the Prisoner at *Carlisle* in a Highland Dress, and at *Breden*, in the County of *Ancrum*; he was a Tobaccoist at *Perth*, and after the Battle of *Culloden* was in a Beggar's Dress endeavouring to escape, and told the Evidence, that it cost him above 100 Guineas to recruit, or raise Men for the young Pretender's Army.

*Andrew Johnson* saw him at *Edinburgh* in a Highland Dress, armed with a Broad Sword and Blunderbuss, a Cockade in his Bonnet, and said, that he acted as a Lieut. in Lord *Ogilvie's* Battalion.

*Henry Chip* saw him at *Perth* and *Falkirk*, armed with a Broad Sword, Pistols, and a Cockade, and after the Battle of *Preston Pans*, he saw him at *Carlisle*.

The Prisoner made no Defence, Guilty, Death.

He receiv'd his Majesty's most gracious Respite for six Weeks.

ALEXANDER MACLAUCHLAN, of the Shire of *Inverness*, was indicted for High Treason.

*Allen Steward* said, he saw the Prisoner  
D three

three Days after the Battle of *Preston Pans*; that he rode on a fine Horse in a Highland Dress, armed, with a Command to raise the Cets at *Haddington* and *Dunbar*, and was at *Inverness*.

*Alexander Mackdonald* said, he saw the Prisoner at *Edinburgh*, after the Battle of *Preston Pans*, in a Highland Dress and Broad Sword, that he marched with the Rebels, in one of the Rebel Regiments, that he was at *Carlisle*, and stayed behind at *Perigook* to get his Horse shoed, and then deserted the Rebels, he saw him after on the 24th of *April*, at *Inverness*, and on *Culloden Moor* armed, and talking to the Marquis of *Tullibardine*.

*Alexander Russel* said, he saw the Prisoner at *Edinburgh*, after the Battle of *Preston Pans*, armed with Pistols, and in a Highland Dress, with a Cockade, and likewise at *Dudlingstone*, with Lord *George Murray*, at *Holyrood House*, and in Camp with other Officers, and went by the Name of Major.

*John Falconer* said, he saw him at *Edinburgh* after the Battle of *Preston Pans*, with the Rebels, and was received as an Officer, in a Highland Dress, with a Broad Sword and Pistols, and was often with the Pretender at *Holyrood House*.

Captain *Eyre* said, that the Prisoner when he gave an Account of himself, said he had no Commission, but was a Piece of a Major.

#### *The Defence.*

The Prisoner's Witnesses proved he was of old *Cameron* of *Lochiel's* Clan, and that *Lochiel* sent a Message for him, on whom he waited, and then left his House and Family, and went to the Laird of *McLauchlan* his Wife's Relations, thirty Miles off, where he staid twenty-four Days, and chose to continue there in Obscurity rather than join the Rebels; that he was pressed against his Will by a Number of armed Men of *McLean's* Party, amongst whom they saw him confined, and handcuffed with a dirty Shirt on, and in a very miserable Condition; that whilst he was concealed, his House was pillaged; that he was Handcuffed at *Culloden*, where he made his Escape from them, and afterwards was found in a miserable Condition with only a Blanket.

The Jury found him GUILTY, but re-

commended him to Mercy. His Majesty was pleased to respite his Execution for six Weeks.

*ALLEN CAMERON*, was indicted for High Treason, &c.

Capt. *Campbell* said, the Prisoner was a Captain in *Lochiel's* Regiment, dressed in a Highland Dress, armed with Broad Sword and Pistols at *Edinburgh*, that he mounted Guard as a Captain at the *Streight* or *West Bow*, with an Oak Branch in his Bonnet, that he went to fetch the Prisoner from Guard, to lodge with him at his Quarters; that he heard they had a Design on the Castle, which the Witness by the Prisoner's Information gave Notice of; that as he was going up to the *Lamb-Market* he met the Prisoner with Lord *George Murray*, who told the Witness that he had no Business there, that the Prisoner came to *Edinburgh* the 17th of *November*, and marched out the 3d of *December*, that during his Stay he behaved well at *Campbell's* House, that he being an Officer of the Revenue, there were five Smuglers in the Highlands had conspired against the Witness's Life at *Dalkeith*, and that the Prisoner saved him there.

*Alexander Russel* proved the Prisoner to act as Captain *Cameron*, at *Holyrood House*, and other Places in *Edinburgh*, and that formerly he made Shoes.

*Allen Stewart*, proved the Prisoner marched with the Rebels in *Scotland*, and in *England*.

*James Parker*, proved the Prisoner marched in a Highland Dress, armed as a Captain at *Lochabar*, and mounted Guard at the Siege of *Fort William*.

*Edward Gibson* saw him in *Edinburgh*, in a Highland Dress armed.

Captain *Moore*, said he was at the Prison of *Inverness* after the Battle of *Culloden*, and ranked as a Captain in *Lochiel's* Regiment.

Capt. *Eyre* said, the Prisoner gave in his Name as a Captain in *Lochiel's* Regiment, aged 40 Years, and that he was under the Influence of old *Cameron* of *Lochiel*, and obliged to go with the Rebels, and that he was wounded at *Culloden*.

#### *The Defence.*

Counsellor *Gordon* opened to the Court, that the Prisoner had ten Children, and was a Tenant of *Cameron* of *Lochiel*, in the



the Shire of *Inverness*; who by the Feudall Law, had a greater Power than any Sheriff, that they kept Prisons and Dungeons in their Mansions, and had even the Power over the Life and Property of their Vassals and Tenants; that such Power being found dangerous to the State, there was an Act past in the Reign of *James the Second of Scotland*, to restrain the future Kings of *Scotland* from granting any more of those Powers, without the Consent of Parliament.

*Alexander Cameron*, a Corporal in the Foot Guards, was sworn, and said he had known such Influence in the Chiefs, but the Court would not permit them to go into Evidence of an illegal and assumed Power, contrary to the Rights of the Crown, the King being the supreme Lord to whom all others must pay Obedience.

*Neal M<sup>r</sup> Mullan*, a Highlander (by *Alexander Cameron* Interpreter) said, that *Lochiel* sent for the Prisoner, and told him he must join the Prince, i. e. *Pretender's Son*, which the Prisoner refused, that he took him by the Arm, shoved him and order'd him to be put in Prison, that *Allen Cameron* sent Word home to his Wife that he was a Prisoner, and pinioned with a Rope, and that the Rebels said he had deserted from them so often, therefore they would put him to Death to prevent further Trouble, which was done on the King's Road to *Fort William*; and that his Family was distressed, having 10 Children to support.

*John Macpharson*, (by the same Interpreter) depos'd, That the Rebels seiz'd the Prisoner's Horse, and threaten'd to hang him or put him to Death, that when he was arrested and carried to *Lochiel*, he told him, that if he had an equal Force he would prevent his going into the Rebellion.

The Jury withdrew, and in half an Hour found him GUILTY, Death. His Majesty was pleased to respite his Execution for six Weeks.

HECTOR MACKENZIE, was indicted for High Treason, &c.

*Daniel Monroe* said, he saw the Prisoner at *Carlisle, Perth*, and in the Shire of *Ross*, with the Lord *Cromartie's* Regiment, as an Ensign, in a Highland Dress, armed with Broad Sword and Pistols, with a Company of about 40 in a Brigade of 4 Regiments, that he was reviewed in the Field of Battle, and his Company raised by Force; he

was at *Aberdeen, Inverness*, and *Strathbogie*, in the Shire of *Ross*, that he went with others to *Caithness*, came back to *Sutherland*, and was taken Prisoner the next Morning, in the Earl of *Sutherland's* Castle of *Dunrobin*.

Being Cross-examined, the Witness said, that several of the Regiment were raised by Force, several refused to go, and some left them and went Home; that they had Guards set over them to prevent Desertion, and some put in Irons, that they were forced to take an Oath not to return Home till the Lord *Cromartie* returned Home, which Oath was administered to the Prisoner; that it was not easy for the Lord *Cromartie's* Men to get away, because at all the Posts and Avenues, Guards were planted, tho' some of their Houses were set on Fire, that some turned back at *Dingworth*, and left the Rebels (which is 10 or 12 Days March from their Home) that the *Arno's* Clan was worse than *Cromartie's*; they burnt a House because the Tenants would not rise, and that the Prisoner said, that if it were not for the Oath taken, he would not follow them more.

*Hugh Ross* said, that in the Beginning of *November*, Lord *Cromartie* marched with the Rebels to *Perth*, the Prisoner was in a Highland Dress armed, that they marched North after the Battle of *Falkirk*, that he was in the same Regiment at *Dundee, Aberdeen*, and Shire of *Ross*.

Being Cross-examined, he said, that they threatened to take away all their Corn and Cattle from them that would not go with the Lord *Cromartie*; that several deserted and were brought back, and put into dark Prisons and punished, that there was Guards planted in all the Avenues, and no Probability for any to escape; and that the Prisoner, with many, deserted at *Falkirk*, which is 30 Miles off from his Habitation.

*Daniel Frazier* confirmed the Testimony of *Hugh Ross*, and added, that the Prisoner was not willing to go with the Rebels but run away, that several Deserters were put in Prison, iron'd for three Weeks; that the Prisoner said, if he had not taken the Oath not to leave Lord *Cromartie*, he would not go with them.

*Roger Macdonald* said, the Prisoner was in a Highland Dress, arm'd, that the Evidence

dence was carried to the Guard House, and searched as a Spy for Letters, when the Prisoner was an Officer on Guard.

*George Sinclair* said the Prisoner went to *Cathness* to raise Men and Money, and that he went with the Rebels to raise the Land Tax, and heard him say, that the Highlanders had got the better of the regular Forces.

Being Cross Examined, he said, the Prisoner went off in the Night, and crossed a River, and passed *Barrington's* Regiment, and was taken at *Dunrobin*.

*For his Defence.*

They then call'd the Rev. *James Robinson*, who said, that the Prisoner being poor and his Family like to come on the Parish, by Recommendation, the Lord *Cromartie* made him his Forrester, that two Men came with an Order from Lord *Cromartie*, to raise all the Tenants in Arms, and that Lord *Cromartie* was in the Government's Service, that he preached against Rebellion to a Prince, that had been so generous as to make an Establishment to propagate the Christian Knowledge in the Highlands, that this Minister told them, it was Treason to raise Men without the Sheriff, or a Commission from the Crown, and that as it was his Duty to take Care of the Souls of his Parishioners; so he thought it likewise his Duty to take Care of their Bodies, and insisted on seeing their Commission, upon which they cursed him, and gave him abusive Language; that one *McCloud* discovered their Design, and that he told the Prisoner and many others, there was a Snake in the Grass, that the Prisoner and others declared, they would only guard Lord *Cromartie*, and that they would all

fight for King *George*, that they seized the Prisoner under their pretended Military Orders, with armed Men by Force, carried him away, that this Evidence carried several Letters to his Parishioners under Confinement, at the Head Quarters, where he saw the Prisoner confined, and that the Prisoner left them three Times, and came Home, and was as often seized and carried away, and amongst the rest his Servants were carried off. He gave the Prisoner the Character of an honest religious Man, that he always professed Loyalty to his present Majesty King *George*.

*Robert Mackleath*, a School-master, depos'd, That the *Keppock's* came to force away a Party, when the Prisoner absconded; that the Prisoner was seized in *October*, and also in *November*, and again in *March*, that he was at Lord *Cromartie's* Mercy, who told him he was a Scoundrel, and it was well if he escaped with his Life.

*John Maccay*, swore that the Prisoner was brought to *Castle Down*, the Lord *Cromartie's* Seat, and was afterwards confined, and told the Witness he was a lucky Man, for if he had staid, they would have taken him away, as he was, and the Witness left him in Custody, that they only took *Cromartie's* Men away, and it came out further, that some had their Houses burnt, and others their Cattle drove from their Farms; it appearing to the Jury that the Prisoner was at *Dumblain*, *Falkirk*, *Cathness*, *Thurso*, where he had committed several Overt Acts of High Treason.

The Jury found him GUILTY.

He receiv'd his Majesty's most gracious Respite for six Weeks.

F I N I S.